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FCC MAIL ROOM

Mr. William F. Caton  
Federal Communications Commission, Acting Secretary  
1919 M. Street Northwest, Room 222  
Washington, DC 20554

**DOCKET: #95-155**

RE: FCC Request for Further Comment on Notice of Proposed Rulemaking Regarding  
the Provision of Toll-Free (800/888) Number Service.

Dear Secretary Caton:

The allocation method of replicated toll-free numbers originating from the opening of the 888 toll-free exchange as well as all new toll-free exchanges, is of great interest to Enterprise Rent-A-Car. Toll-free numbers are a vital component of our marketing and operations strategy and to a great extent have become part of our public image. Hundreds of toll-free numbers are used throughout our global operations as a means for our customers and employees to contact various Enterprise facilities for a variety of services ranging from making car rental reservations to roadside assistance to solving computer network problems.

Prior to the opening of the 888 exchange, Enterprise complied with the FCC request to submit to our carriers those 800 numbers which we desired to replicate under the new exchange. Enterprise submitted over 100 numbers as a result of this process. Of these numbers, there are fewer than 20 which we truly desire to now replicate under 888 and all future exchanges which are the main toll-free numbers used in our retail marketing efforts and internal communications. These numbers consist of high profile vanity numbers such as 800 Rent-A-Car, 800 Car Sale and high volume numeric numbers such as 800-325-8007 which is the main retail number to our call center. Combined, these three numbers alone generate almost 50,000 calls per day. As such, the prospect of a competitor having access to this call volume is quite disturbing. Based on this background information, our comments on this issue are as follows:

**Vanity Numbers**

Question: What method could/should be used for ascertaining how many toll-free numbers are vanity numbers or could be regarded as a vanity number?

The answer to this is none. Virtually every toll-free number has the chance of becoming a vanity number under the right circumstances. Trying to determine which numbers have more value or receive special treatment based on their numeric combination and associated alphanumeric representation is an invitation for disaster.

The creation of a vanity number is normally the result of the creation of a marketing initiative, the release of a new product, promotion of a special event, or the creation of a new company or service. In some cases, bright entrepreneurs have taken generic vanity numbers, which represent broad industries or services, and



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have created franchise or referral systems around them, i.e. 1-800-DOCTORS or 1-800-PLUMBER. The numeric equivalent of these numbers, 1-800-362-8677 and 1-800-758-6237 respectively, have no unique significance until they are represented in alpha format. Even then, just because the number spells DOCTORS does not imply that consumers will call it. Rather the true value of a vanity number only is realized after the subscriber initiates a marketing and awareness campaign supporting the business plan.

New vanity numbers are being created every day. The FCC should not concern itself with what a toll-free number represents, but rather only how toll-free numbers are allocated. Trying to ascertain which numbers represent vanity numbers would be a burden to the FCC and require a process that would be based on subjective grounds and not objective facts and figures. As such, creation of such a system would likely lead to disputes, excess regulation, increased costs and unneeded Federal management.

### **Right of First Refusal.**

With the above said, Enterprise Rent-A-Car firmly believes that the current subscriber of an 800 toll-free number should have the right of first refusal to the equivalent number under the 888 exchange and all future toll-free exchanges. As mentioned above, of the 100 plus numbers Enterprise originally submitted, we would likely only exercise this right on fewer than 20 numbers. The majority of toll-free numbers in use have a very narrow distribution. As such, replication of the number is unnecessary. Replication is of importance on toll-free numbers with high public visibility, high volume, or critical use.

Companies with mission critical toll-free numbers should be allowed to replicate their numbers, but not for free. Requiring a fee for replication will cause subscribers to more fully consider replication and conserve the toll-free number pool. A fee based on volume or use would be too subjective, unfair, and hard to manage. We feel it would be best to require a one-time fee that is significant enough to discourage unneeded replication, but justifiable for all. We feel that a fee ranging between \$500.00 and \$1000.00 would be an acceptable amount. The fee should be collected by the subscriber's carrier/Resp. Org. and forwarded to the FCC. The money should be considered as general Federal revenue or earmarked for FCC operational purposes.

We feel that the right of first refusal should be time sensitive. Upon acquisition of a new toll-free number, subscribers should be required to register their replication intent with the SMS/800 Administrator via their current Resp. Org. Since the opening/need of a new toll-free exchange is known well in advance, the Resp. Org. should be required to notify all subscribers which have indicated a positive replication interest that they have a 90 day period prior to the opening of the exchange to pre-reserve replicated numbers. Only those companies/organizations with high volume, high profile, mission critical toll-free numbers will bother to file a replication interest. The purpose for which the original toll-free number was obtained will dictate the importance of indicating a positive replication interest to the Resp. Org.

We also feel that the right of first refusal should be transferable to other parties/subscribers that may acquire toll-free numbers. This would serve to ensure a smooth transition from one organization to another in the event of asset sale, acquisition, or other means of one organization taking over another.

Finally, we also believe that allowing for right of first refusal will prevent the hoarding and brokering of toll-free numbers by unscrupulous profiteers whose only goal is to make a fast buck by grabbing a high profile number and holding it ransom or remarketing the misdialed calls to other parties.

We do not feel that allowing a right of first refusal, given the fee structure and other restrictions proposed above, will adversely affect the toll-free number supply. The vast majority of toll-free numbers, due to their narrow scope of use, would not be replicated. The 380,000 numbers now "unavailable" due to the replication issue, represents just under 4% of the total 888 toll-free exchange. If our interest in replication is indicative of other companies who were confused by this process, it is likely that a good portion of the

380,000 would not be replicated. As such, we feel that it is reasonable to assume that a maximum of 4% to 5% of any new exchange would be lost due to replication.

### **Assignment Based on Industrial Classification.**

Enterprise Rent-A-Car does not support controlling distribution of toll-free numbers based on assignment of industrial classification. While this system appears to have some merit, our concern is that it will be difficult to manage, open to manipulation, and difficult to enforce. One concern is that "shell" organizations could be created to which toll-free numbers are assigned, but then used for other purposes or the traffic on those numbers routed to other organizations under a different classification. Furthermore, we are concerned about the ability of carriers and Resp. Orgs. to accurately identify and record this information. Another potential problem would be selecting the proper industrial classification system. The SIC system has multiple levels, and there are other classification systems as well. We are concerned that utilizing such a system could delay the implementation of further exchanges, as well as create potential problems from inaccurate and false classification assignments.

### **Miscellaneous Proposals.**

We have been notified that there are several other miscellaneous proposals regarding the replication issue. Our comments on each are as follows:

- I) A requirement that the SMS/800 Administrator release those toll-free numbers identified as vanity numbers at the end of the toll-free assignment pool.

We do not feel this a feasible alternative to the right of first refusal because it does not solve the underlying issue. It allows for the potential of some other entity to acquire a vanity number which may be an integral part of another company's identity.

- II) A requirement that carriers provide a transitional gateway intercept during the change to a new toll-free code.

While this is technically feasible, we feel that such a message would only serve to confuse callers. Allowing current subscribers the right of first refusal would ensure that callers get the correct organization the first time. In addition, the carriers would obviously be required to purchase, install, and maintain the systems which would facilitate such an intercept message increasing their costs which would likely be passed on to all subscribers or those requiring intercept messages. A toll-free number requiring an intercept message would obviously have enough misdial volume to be problematic for the party wanting the calls and for the party not wanting the calls.

- III) A requirement that partitions toll-free service, leaving business entities and the majority of vanity number holders to use the 800 code and assigns a specific toll-free code to subscribers for personal and pager use.

It appears that much of the rapid pace by which toll-free numbers are being consumed is due to the growth in use of pagers, cell-phones, modems and other non-traditional telephony devices. As such, Enterprise Rent-A-Car would support assignment of a special toll-free exchange that would be used on such items. This would free up traditional toll-free numbers for traditional telephone service and protect the mission critical numbers for which the right of first refusal is sought. Such non-traditional telecommunications devices normally have a very narrow scope, and in most cases the actual numbers are very seldom made

public. With such limited scope it would be relatively easy for the owner of the device to communicate to outside users that calls to that device would be toll-free.

### **High Volume Numbers.**

We believe that subscribers of high volume numbers should have the same right of first refusal as recommended above for subscribers of vanity numbers. High volume numbers can result in a steady stream of calls to similar numbers under a different exchange. Like vanity numbers, high volume numbers are the result of usually significant marketing efforts on behalf of the subscriber. High volume numbers are also typically associated with the fulfillment end of marketing efforts, i.e. requests for information, order processing, reservation requests, verification of information, problem solving, etc. These high volume numbers represent the epicenter of customer service at which point a company's reputation can be made or broken. The level of competition in the world today is high enough without having to worry that calls to your reservation center may be going elsewhere.

At Enterprise Rent-A-Car, our goal is to do everything in our power to ensure that when a customer makes the effort to contact us, that at a minimum, we are there ready to respond. We are confident that the majority of other marketing organizations will have the same opinion. By allowing replication of high volume numbers, subscribers of high volume numbers can be confident that their customers are being taken care of and their marketing investments are being protected.

The above constitutes our main comments and concerns on the replication issue. We would be happy to personally discuss any of our comments with the FCC. If you or anyone within the FCC require additional information or clarification on our comments, please do not hesitate to call me. I can be reached by phone at 314-512-3223 or e-mail at [planghorst@erac.com](mailto:planghorst@erac.com).

Thank you for the opportunity to submit our comments. We hope and trust that the FCC will fully consider our comments in making its rules on the distribution of replicated toll-free numbers and that the FCC will rule in favor of protecting the calls of organizations which rely on these high profile numbers to communicate with their customers and employees.

Sincerely,

A handwritten signature in black ink, reading "Paul Langhorst". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul Langhorst  
Telecommunications Manager